

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO GARCIA HINOJO, III, ) Case No.: 1:23-cv-0481 JLT BAM  
Plaintiff, )  
v. ) ORDER ADOPTING FINDINGS AND  
UNITED STATES OF AMERICA, et al., ) RECOMMENDATIONS AND DISMISSING THE  
Defendants. ) ACTION WITHOUT PREJUDICE  
) (Doc. 4)  
)  
)

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Francisco Garcia Hinojo III is proceeding *pro se* in this action, in which he named the United States of American and the State of California as defendants for an unspecified “medical related” issue. (Doc. 1 at 5.) Plaintiff indicates that he intends for the suit to be between the two defendants—the federal government and state government—and not between himself and the defendants. (*Id.* at 7-9.)

The magistrate judge found Plaintiff failed to state a cognizable claim upon which relief may be granted, and recommended the action be dismissed as frivolous. (Doc. 4 at 2-4.) The Court served the Findings and Recommendations upon Plaintiff by mail on April 17, 2023 and notified him that any objections must be filed within fourteen days of the date of service. (*Id.* at 4.) In addition, the Court informed Plaintiff that the failure to file objections within ordered time may result in the waiver of rights on appeal. (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Plaintiff did not file any objections, and the time to do so has expired.

1 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this case.  
2 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations  
3 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 4       1. The Findings and Recommendations (Doc. 4) are **ADOPTED** in full.  
5       2. The action is **DISMISSED** without prejudice.  
6       3. The Clerk of Court shall close this action.

7  
8 IT IS SO ORDERED.

9 Dated: June 19, 2023

  
UNITED STATES DISTRICT JUDGE